THE

PROTESTATION OF THE GENERALL *ASSEMBLIE OF THE* CHURCH OF SCOTLAND, AND OF THE NOBLEMEN, BARONS, *GENTLEMEN, BORROWES, MINISTERS AND COMMONS;*

Subſcribers of the Covenant, lately renewed, made in the high Kirk, and at the *Mercate Croſſe of* Glaſgow, *the* 28, *and* 29. *of November* 1638.

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The Proteſtation of the generall *Aſſembly of the Church of* SCOTLAND, &c.

WEE Commiſſioners from Presbyteries, Burghes, and Univerſities, now conveened in a full and free Aſſembly of the Church of *Scotland*, indicted by his Majeſtie, and gathered together in the Name of the Lord *Jeſus Chriſt* the only Head, and Monarch of his owne Church; And Wee *Noblemen, Barons, Gentlemen, Miniſters, Burgeſſes* and *Commons, Subſcribers of the Confeſſion of Faith*, Make it knowne that where Wee His Majeſties loyall Subjects of all degrees, conſidering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents

of this Church, which had beene before in great puritie to our unspeakable comfort established amongst us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assembly, as the only legall and readie meane to try these innovations, to purge out the corruptions, and settle the order of the church, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracious Majestie, out of his Royall bountie, to direct unto this Kingdome, the Noble and Potent Lord, *James* Marques of *Hammiltoun*, with Commission to heare and redresse the just grievances of the good Subjects, who by many petitions, and frequent conferences, being fully informed of the absolute necessitie of a free generall Assemblie, as the only Judicatorie which had power to remedie those evils, was pleased to undergoe the paines of a voyage to *England* for presenting the pitifull condition of our Church to his sacred Majestie; And the said Commissioner his Grace returned againe in August last, with power to indict an Assembly, but with the condition of such prelimitations, as did both destroy the freedome of an Assemblie, and could no wayes cure the present diseases of this Church: which was made so clearly apparent to his Grace, that for satisfying the reasonable desire of the Subjects, groaning under the wearinesse and prejudices of longsome attendance, Hee was againe pleased to under-take another journey to His Majestie, and promised to endeavour to obtaine a free Generall Assemblie, without any prelimitation, either of the constitution and members, or matters

ters to be treated, or manner, and order of proceeding, so that if any question should arise concerning these particulars, the same should bee cognosced, judged, and determined by the Assemblie, as the onely judge competent: And accordingly by warrant from our Sacred Soveraigne, returned to this Kingdome, and in September last, caused indict a free Generall Assemblie, to be holden at *Glasgow*, the 21. of November instant, to the unspeakable joy of all good Subjects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the finall remedie of their pressing grievances: But these hopes were soone blasted: for albeit the Assemblie did meet and begin at the appointed day, and hath hitherto continued, still assisted with his Graces personall presence, yet His Grace hath never allowed any freedome to the Assemblie, competent to it by the Word of God, acts and practise of this church, and his Majesties Indiction, but hath laboured to restraine the same, by protesting against all the acts made therein, and against the constitution therof by such members, as by all law reason and custome of this church were ever admitted in our free Assemblies, and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontraverted.

And now since his Grace after the presenting and reading of his own commission from our sacred Soveraigne, and after his seeing all our commissions from Presbyteries and Burghes produced and examined, and the assembly constitute of all the members by unanimous consent, doth now to our greater griefe without any just cause or occasion offered by us, unexpectedly

expectedly depart and discharge any further meeting, or proceeding in this Assembly, under the paine of treason; and after seven dayes sitting, declare all Acts made, or hereafter to be made in this Assembly, to be of no force nor strength; and that for such causes as are either expressed in his Maiesties former proclamations, (and so are answered in our former protestations) or set downe in the declinatour, and protestation presented in name of the Prelats, (which are fully cleared in our answere made thereto) or else were long since proponed by the Commissioner his G. in his eleven articles or demands sent unto us, before the indiction of the Assembly (and so were satisfied by our answers, which his Grace acknowledged, by promising after the recept thereof to procure a free generall Assembly, with power to determine upon all questions, anent the members, manner, and matters thereof) all which for avoyding tediousnesse wee heere repeat: Or otherwise the said causes alleadged by the Commissioner, were proponed by His Grace, in the Assemblie; such as first, that the Assemblie refused to reade the Declinatour and Protestation exhibited by the Prelats, which nevertheless was publicklie read and considered by the assemblie, immediatly after the election of a Moderatour and constitution of the Members, before the which, there was no assemblie established, to whom the same could have been read: Next, that ruling Elders were permitted to have voyce in the election of commissioners from Presbyteries, which was knowne to His Grace, before the indiction and meeting of the assembly, and is so agreeable to the acts and practise of this church, inviolably observed before the late times of corruption,

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tion, that not one of the assembly doubted thereof, to whom by the indiction and promise of a free assembly, the determination of that question, anent the members constituent propertie belonged.

And last, that the voyces of the six Assessors, who did sit with His Grace, were not asked and numbered, which we could not conceive to bee any just cause of offence, since after 39. Nationall assemblies of this reformed church, where neither the Kings Majestie, nor any in his name was present, at the humble and earnest desire of the assembly, His Maiesty graciously vouchsafed His presence either in His owne Royall Person, or by a commissioner, not for voting or multiplying of voyces, but as Princes and Emperours of old, in a Princely manner to countenance that meeting, and to preside in it for externall order; and if Wee had been honoured with His Majesties Personall presence, His Maiestie (according to the practice of King *James* of blessed memorie) would have only given his own Iudgment in voting of matters, and would not have called others who had not been cloathed with commission from the church to carry things by pluralitie of voyces.

Therefore in conscience of our ductie to God and his trueth, the King and his honour, the Church and her liberties, this Kingdome and her peace, this Assemblie and her freedome, to our selves and our safetie, to our Posteritie, Persons and Estates, Wee professe with sorrowfull and heavie, but loyall hearts; That Wee cannot dissolve this Assemblie, for the reasons following.

1. For the reasons alreadie printed anent the necessitie of conveening a Generall Assemblie, which are now

now more ſtrong in this caſe, ſeeing the aſſemblie was alreadie indicted by his Maieſties authoritie, did conveene, and is fully conſtitute in all the members thereof, according to the Word of GOD, and diſcipline of this church, in the preſence and audience of his Maieſties Commiſsioner; who hath reallie acknowledged the ſame, by aſsiſting therein ſeven dayes, and exhibition of His Maieſties Royall Declaration, to bee regiſtrate in the bookes of this aſsemblie, which accordingly is done.

2. For the reaſons contained in the former Proteſtations made in name of the Noblemen, Barons, Burgeſses, Miniſters, and Commons, whereunto We doe now iudicially adhere, as alſo unto the Confeſſion of Faith and covenant, ſubſcribed and ſworne by the body of this Kingdome.

3. Becauſe as Wee are obliged by the application and explication ſubioyned neceſsarily to the Confeſsion of Faith ſubſcribed by Us; So the Kings Maieſtie, and his Commiſsioner, and Privie Councell; have urged many of this kingdome to ſubſcribe the Confeſsion of Faith made in *anno* 1580. and 1590: and ſo to returne to the doctrine and diſcipline of this Church, as it was then profeſsed: But it is cleare by the doctrine and diſcipline of this church, contained in the booke of Policie then regiſtrate in the bookes of aſsemblie, and ſubſcribed by the Presbyteries of this church; That it was moſt unlawfull in it ſelf, and preiudiciall to theſe priviledges which Chriſt in his Word hath left to his church, to diſſolve or breake up the aſsemblie of this church, or to ſtoppe and ſtay their proceedings in conſtitution of acts for the welfare of the church, or execution of diſcipline

diſcipline againſt offenders; and ſo to make it appeare, that Religion and Church-government ſhould depend abſolutely upon the pleaſure of the Prince.

4. Becauſe there is no ground of pretence either by Act of Aſſemblie, or Parliament, or any preceeding practice, whereby the Kings Majeſtie may lawfully diſſolve the Generall Aſſemblie of the Church of *Scotland*, far leſſe His Majeſties Commiſſioner, who by his commiſsion hath power to indict and keep it, *ſecundum legem & praxim*: But upon the contrary, His Majeſties prerogative Royall, is declared by Act of Parliament, to be nowayes prejudiciall to the priviledges and liberties, which God hath granted to the ſpirituall office-bearers, and meetings of this Church; which are moſt frequently ratified in Parliaments, and eſpecially in the laſt Parliament holden by His Maieſtie himſelf, which priviledges and liberties of the church, his Maieſty will never diminiſh or infringe, being bound to maintaine the ſame in integritie by ſolemne oath given at His Royall Coronation in this Kingdome.

5. The Aſſemblies of this Church have ſtill inioyed this freedome of uninterrupted ſitting, without or notwithſtanding any contramand, as is evident by all the Records thereof; and in ſpeciall by the generall Aſſembly holden in *anno* 1582. which being charged with letters of Horning by the Kings Maieſtie his Commiſſioner and Counceil, to ſtay their proceſſe againſt Maſter *Robert Montgomerie*, pretended Biſhop of *Glaſgow*, or otherwiſe to diſſolve and riſe, did notwithſtanding ſhew their libertie and freedome, by continuing

and sitting still, and without any stay going on in that processe against the said Master *Robert*, to the finall end thereof: And thereafter by letter to his Majestie, did shew clearly, how far his Majestie had been uninformed, and upon misinformation, prejudged the prerogative of *Jesus Christ*, and the liberties of this Church, and did inact and ordaine, that none should procure any such warrant or charge under the pain of excommunication.

6. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of processes from Presbyteries, after the publick indiction of the Assemblie, and the solemne Fast appointed for the same, after frequent convention, formall constitution of the Assemblie in all the members thereof, and seven dayes sitting, were by this act to offend God, contemne the Subjects petitions, deceive many of their conceived hopes of redresse of the calamities of the Church and Kingdome, multiply the combustions of this Church, and make every man despaire hereafter ever to see Religion established, Innovations removed, the Subjects complaint respected, or the offenders punished with consent of authoritie, and so by casting the church loose and desolate, would abandon both to ruine.

7. It is most necessary to convince this Assemblie for preveening the prejudices which may ensue upon the pretence of two Covenants, whereas indeed there is but one. That first subscribed in 1500. and 1590. being a Nationall covenant and oath

oath to God; which is lately renewed by Us, with that neceſsary explanation, which the corruptions introduced ſince that time contrary to the ſame, inforced: which is alſo acknowledged by the Act of councell in September laſt, declaring the ſame to bee ſubſcribed, as it was meaned the time of the firſt ſubſcription: And therefore for removing that ſhame, and all preiudices which may follow upon the ſhow of two different covenants and confeſsions of Faith in one Nation, The Aſſemblie cannot diſsolve, before it trye, finde and determine, that both theſe covenants, are but one and the ſelfe ſame covenant: The latter renewed by Us, agreeing to the true genuine ſenſe and meaning of the firſt, as it was ſubſcribed in *anno* 1580.

For theſe and many other reaſons, Wee the Members of this aſsemblie, in our owne name, and in the name of the Kirk of *Scotland*, whom Wee repreſent; and Wee Noblemen, Barons, Gentlemen, Miniſters, Burgeſſes, and Commons before mentioned, doe ſolemnely declare in the preſence of the everliving God, and before all men; And proteſt,

1. That our thoughts are not guiltie of any thing which is not incumbent to us, as good Chriſtians towardes God, and loyall Subjects towardes our ſacred Soveraigne.

2. That all the Proteſtations generall or particular, proponed or to bee proponed by the commiſsioner his Grace, or the Prelates and their adherents, may bee preſentlie diſcuſſed before this generall Aſsemblie, being the higheſt Eccleſiaſticall indi-

satorie of this kingdome: and that his Grace depart not till the same be done,

3. That the Lord commissioner depart not, till this Assemblie do fully settle the solide peace of this church, cognoscing and examining the corruptions introduced upon the doctrine and discipline thereof: and for attaining hereof, and removing all iust exceptions which may bee taken at our proceedings, we attest GOD the searcher of all hearts, that our intentions, and whole proceedings in this present assemblie, have beene, are, and shall be according to the word of GOD, the lawes and constitutions of this church, the confession of faith; our nationall oath, and that measure of light, which GOD the father of light shall grant us, and that in the sinceritie of our hearts, without any preoccupation or passion.

4. That if the Commissioner his Grace depart and leave this church and kingdome in this present disorder, and discharge this assemblie, that it is both lawfull and necessarie for Us to sit still and continue in keeping this present Assemblie; indicted by His Majestie, till we have tryed, judged, censured all the bygone evils, and the introductors, and provided a solide course for continueing Gods trueth in this land with puritie and libertie, according to his Word, our oath and Confession of Faith, and the lawfull constitutions of this Church; and that with the grace of God, Wee and every one of Us adhering hereunto, shall sit still and continue in this Assemblie, till after the finall settling and conclusion of all matters, it be dissolved by common consent of all the members thereof.

5. That this Assemblie is and should be estee-

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med and obeyed, as a moſt lawfull, full and free generall Aſſemblie of this Kingdome: And that all acts, ſentences, conſtitutions, cenſures and proceedings of this Aſſemblie, are in the ſelf, and ſhould be reputed, obeyed and obſerved by all the Subjects of this Kingdome, and members of this Church, as the actions, ſentences, conſtitutions, cenſures and proceedings of a full and free generall Aſſemblie of this Church of *Scotland*, and to have all ready execution, under the Eccleſiaſticall paines contained, or to bee contained therein, and conforme thereto in all points.

6. That whatſoever inconvenience fall out, by impeding, moleſting, or ſtaying the free meeting, ſitting, reaſoning, or concluding of this preſent Aſſemblie, in matters belonging to their judicatorie, by the word of God, lawes & practice of this Church, and the confeſſion of faith, or in the obſerving and obeying the acts, ordinances and concluſions thereof, or execution to follow thereupon: That the ſame be not imputed unto Us, or any of Us, who moſt ardentlie deſired the concurrance of his Maieſties Commiſſioner to this lawfull Aſſembly: But upon the contrare, that the Prelats and their adherentes, who have proteſted and declined this preſent Aſſemblie, in conſcience of their own guiltineſſe, not dareing to abide any legall tryall, and by their miſinformation have moved the Commiſſioner his Grace to depart and diſcharge this Aſſembly, bee eſteemed repute and holden the Diſturbers of the Peace, and Overthrowers of the Liberties of the Church, and guiltie of all the evils which ſhall follow hereupon, and condignely cenſured; according to the greatneſſe

neſſe of their fault, and Acts of the Church and Realme: And to this end, Wee againe and againe doe by theſe preſents cite and ſummond them, and every one of them, to compeere before this preſent generall Aſſembly, to anſwere to the premiſſes, and to give in their reaſons, defences, and anſweres againſt the complaints given in, or to bee given in againſt them, and to heare probation led, and ſentence pronounced againſt them, and conforme to our former citations, and according to Iuſtice, with certification as effeirs. Like as by theſe preſents Wee ſummond and cite all thoſe of His Majeſties Councell or any other, who have procured, conſented, ſubſcribed, or ratified this preſent Proclamation, to bee reſponſable to His Majeſtie and three Eſtates of Parliament, for their counſell given in this matter, ſo highly importing His Majeſtie, and the whole Realme, conforme to the 12. Act, King *James* 4. *Parliament* 2. And proteſt for remedie of law againſt them, and every one of them:

7. And laſtly Wee proteſt, that as Wee adhere to the former Proteſtations all and every one of them, made in the name of the *Noblemen*, *Barons*, *Gentlemen*, *Miniſters*, *Burghes*, and *Commons*; So ſeeing Wee are ſurpriſed by the Commiſſioner his Graces ſuddaine departing, farre contrary to His Majeſties indiction, and our expectation, Wee may extend this our Proteſtation, and adde more reaſons thereunto in greater length and number, whereby Wee may fully cleare before God and man, the equitie of our intentions, and lawfulneſſe of our proceedings: And upon the whole

whole premiſſes, the foreſaids perſons for themſelves, and in name aforeſaid asked Inſtruments. This was done in the high Church of *Glaſgow*, in publicke audience of the Aſsemblie, begun in preſence of the Commiſſioner his Grace, who removed and refuſed to heare the ſame to the end, The twentie eight day of November: and upon the Mercate Croſse of *Glaſgow*, The twentie ninth day of the ſaid moneth, The yeare of GOD, 1638. *reſpectivè.*

FINIS.